

SOLICITORTO: **Mail Stop 8****Director of the U.S. Patent & Trademark Office****P.O. Box 1450****Alexandria, VA 22313-1450****AUG 15 2008****REPORT ON THE
FILING OR DETERMINATION OF AN
U.S. PATENT & TRADEMARK OFFICE REGARDING A PATENT OR
TRADEMARK**

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. CV 08-03801 PVT	DATE FILED 8/8/2008	U.S. DISTRICT COURT 280 South First Street, Rm 212, San Jose, CA 95113
PLAINTIFF TECHNOLOGY LICENSING CO		DEFENDANT INITIAL TECHNOLOGY INC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 5,734,862		SEE ATTACHED COMPLAINT
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In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT

CLERK Richard W. Wicking	(BY) DEPUTY CLERK Betty Walton	DATE August 12, 2008
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Copy 1—Upon initiation of action, mail this copy to Commissioner Copy 3—Upon termination of action, mail this copy to Commissioner
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner Copy 4—Case file copy

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8 *Attorney for Plaintiff*
9 *Technology Licensing Company Inc.*

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

PVT

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14
15 **Technology Licensing Company, Inc.,**

CV 08
Case No.:

380174

16 Plaintiff

17 v.

18
19 **Initial Technology Inc.**

20 Defendant

21 **COMPLAINT FOR PATENT**
22 **INFRINGEMENT, INDUCING PATENT**
23 **INFRINGEMENT, AND CONTRIBUTORY**
24 **PATENT INFRINGEMENT**

25 **DEMAND FOR JURY TRIAL**

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Complaint for Patent Infringement

Case No.: _____ Technology Licensing Co v. Initial Technology Inc.

**COMPLAINT FOR PATENT INFRINGEMENT INDUCING PATENT INFRINGEMENT,
AND CONTRIBUTORY PATENT INFRINGEMENT**

Plaintiff, Technology Licensing Company Inc., complains of and for causes of action against Defendant, Initial Technology Inc., alleges as follows:

Nature of the Case

1. This is an action arising under the Patent Laws and Statutes of the United States in which Plaintiff seeks to recover for patent infringement, and for inducing patent infringement, and for contributory infringement, and for any and all damages and costs flowing therefrom.

Jurisdiction and Venue

2. The Court has exclusive jurisdiction of the patent infringement claim, the inducement of patent infringement claim, and the contributory infringement claim, all asserted in this case pursuant to the Patent Laws and Statutes of the United States (e.g., 35 U.S.C. §§ 271, *et seq.* and § 281) including 28 U.S.C. §§ 1331, 1338, 2201-2202. Venue is proper in this district under 28 U.S.C § 1391.

The Parties

3. Plaintiff, Technology Licensing Company Inc. ("Plaintiff") is a California Corporation with a principal place of business in Nicasio, California.

4. Defendant, Initial Technology Inc. ("Defendant") is a California Corporation having a principal place of business in La Verne, California.

Complaint for Patent Infringement

Case No.: _____

Technology Licensing Co v. Initial Technology Inc.

Plaintiff's Patent

5. Plaintiff is the owner of United States No.5,734,862 ("the Patent") which was duly issued on March 31, 1998. The Patent concerns *inter alia* embodiments for a system and method for making and/or viewing DVDs.

COUNT 1

(Patent Infringement)

6. This COUNT is instituted against Defendant for infringement (i.e., direct infringement) of the Patent.

7. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-5.

8. On information and belief, Defendant is infringing, or has infringed, the Patent in this Judicial District and elsewhere in the United States by manufacturing and/or selling and/or offering for sale and/or importing and/or using embodiments of the invention of the Patent.

9. On information and belief, at least one embodiment of the invention of the Patent which Defendant is infringing, and/or has infringed, operates, at least in part, in accordance with and/or complies, at least in part, with technical standards generally adhered to by the DVD Player Industry.

10. On information and belief, at least one embodiment of the invention of the Patent which Defendant is infringing, or has infringed, operates at least in part in accordance with and/or complies at least in part with "DVD Specifications for read-Only Disc, Part 3 VIDEO

1 SPECIFICATIONS," Version 1.13, March 2002, published by DVD Format/Logo Licensing
2 Corporation.

3
4 11. Plaintiff has suffered damages by reason of Defendant's infringement of the Patent,
5 and will suffer additional damages unless Defendant is enjoined by the Court from continuing to
6 infringe the Patent.

7
8 12. On information and belief, Defendant's infringement of the Patent has been willful
9 and deliberate, thus warranting an increase of the damages recoverable by Plaintiff under the
10 provisions of 35 U.S.C. § 284, up to three times the amount of actual damages sustained by
11 Plaintiff, and also making this an exceptional case within the meaning of 35 U.S.C. § 285.
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13 COUNT II

14 (Actively Inducing Patent Infringement)

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17 13. This COUNT is instituted against Defendant for actively inducing patent infringement.

18 14. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-5.

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20 15. On information and belief, Defendant is manufacturing and/or selling and/or using
21 and/or offering for sale and/or importing to persons in this Judicial District and elsewhere in the
22 United States embodiments of the invention of the Patent.

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24 16. On information and belief, when Defendant makes and sells and/or offers to sell to
25 persons, embodiments of the invention of the Patent in this Judicial District and elsewhere in the
26 United States, the sales are accompanied with documents, written instructions, and/or other
27 instructions, from Defendant on how to operate embodiments of the invention of the Patent.
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1 17. On information and belief, when Defendant accompanies its sales and/or offers to sell
2 to persons with documents, written instructions, and/or other instructions, on how to operate
3 embodiments of the invention of the Patent, Defendant was and is aware that such documents,
4 written instructions, and/or other instructions, are inducing the persons to infringe the claims of
5 the Patent. On further information and belief, Defendant thereby has actively induced and/or is
6 actively inducing the persons in this Judicial District and elsewhere in the United States to infringe
7 the claims of the Patent.
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10 18. On information and belief, at least one embodiment of the invention of the Patent
11 which Defendant is actively inducing infringement, and/or has actively induced infringement,
12 operates, at least in part, in accordance with and/or complies, at least in part, with technical
13 standards generally adhered to by the DVD Player Industry.
14

15 19. On information and belief, at least one embodiment of the invention of the Patent
16 which Defendant is actively inducing infringement, and/or has actively induced infringement,
17 operates, at least in part, in accordance with and/or complies at least in part with "DVD
18 Specifications for read-Only Disc, Part 3 VIDEO SPECIFICATIONS," Version 1.13, March
19 2002, published by DVD Format/Logo Licensing Corporation.
20

21 20. Plaintiff has suffered damages by reason of Defendant's active inducement of
22 infringement of the Patent, and will suffer additional damages unless Defendant is enjoined by the
23 Court from continuing to actively induce the infringement of the Patent.
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25 21. On information and belief, Defendant's active inducement of the infringement of the
26 Patent has been willful and deliberate, thus warranting an increase of the damages recoverable by
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1 Plaintiff under the provisions of 35 U.S.C. § 284, up to three times the amount of actual damages
2 sustained by Plaintiff, and also making this an exceptional case within the meaning of 35 U.S.C. §
3 285.
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6 **COUNT III**

7 **(Contributory Infringement)**

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9 22. This COUNT is instituted against Defendant for contributory infringement the Patent.

10 23. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-5.

11 24. On information and belief, the embodiments of the invention made and sold by
12 Defendant to persons in this Judicial District and elsewhere in the United States constitute a
13 material part of embodiments of the invention of the Patent. On further information and belief,
14 Defendant knew and knows that such manufacture and sale of embodiments of the invention were
15 and are especially made or especially adapted for use in infringement of the claims of the Patent,
16 and that the embodiments of the invention were and are not staple articles or commodities of
17 commerce suitable for substantial non-infringing use. Accordingly, on further information and
18 belief Defendant has contributory infringed, and/or is contributory infringing, in this Judicial
19 District and elsewhere in the United States the claims of the Patent.
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23 25. On information and belief, at least one embodiment of the invention of the Patent
24 which Defendant is contributory infringing, and/or has contributory infringed, operates, at least in
25 part, in accordance with and/or complies, at least in part, with technical standards generally
26 adhered to by the DVD Player Industry.
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Complaint for Patent Infringement

Case No.: _____ Technology Licensing Co v. Initial Technology Inc.

26. On information and belief, at least one embodiment of the invention of the Patent which Defendant is contributory infringing, and/or has contributory infringed, operates, at least in part, in accordance with and/or complies, at least in part, with "DVD Specifications for read-Only Disc, Part 3 VIDEO SPECIFICATIONS," Version 1.13, March 2002, published by DVD Format/Logo Licensing Corporation.

27. Plaintiff has suffered damages by reason of Defendant's contributory infringement of the Patent, and will suffer additional damages unless Defendant is enjoined by the Court from continuing contributory infringement of the Patent.

28. On information and belief, Defendant's contributory infringement of the Patent has been willful and deliberate, thus warranting an increase of the damages recoverable by Plaintiff under the provisions of 35 U.S.C. § 284, up to three times the amount of actual damages sustained by Plaintiff, and also making this an exceptional case within the meaning of 35 U.S.C. § 285.

RELIEF

WHEREFOR PLAINTIFF PRAYS:

(a) For decree and judgment against Defendant and all in privity with Defendant that the Patent is valid and enforceable;

(b) For decree and judgment against Defendant and all in privity with Defendant, that the Patent is, and has been, infringed by Defendant and that Defendant is liable as a patent infringer;

1 (c) For decree and judgment against Defendant and all in privity with Defendant, that the
2 Patent is, and has been, infringed by active inducement of infringement by Defendant and that
3 Defendant is liable as an active inducer of infringement;
4

5 (d) For decree and judgment against Defendant and all in privity with Defendant, that the
6 Patent is, and has been, contributory infringed by Defendant and that Defendant is liable as a
7 contributory infringer;
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9 (e) For an accounting for, and an assignment of, an award of profits derived by Defendant
10 and damages suffered by Plaintiff in consequence of the patent infringement, the active
11 inducement of patent infringement, and the contributory infringement, of the Patent;
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13 (f) For a decree and judgment against Defendant trebling the profits derived by Defendant
14 and damages suffered by Plaintiff pursuant to statute (e.g., 35 U.S.C. § 284);
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16 (g) For an injunction permanently enjoining Defendant, its officers, agents, servants,
17 employees, attorneys and all those in active concert, participation or privity with Defendant from
18 further infringement, and/or active inducement and/or contributory infringement, in any form
19 what ever, of the Patent;
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21 (h) For the costs of this suit, reasonable attorney's fees as provided by statute (e.g., 35
22 U.S.C. § 285), and an assessment of interest and cost against the Defendant;
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24 (i) For prejudgment interest at the maximum rate allowed by law;

25 (j) For post judgment interest at the maximum rate allowed by law, from the date of the
26 judgment until paid; and
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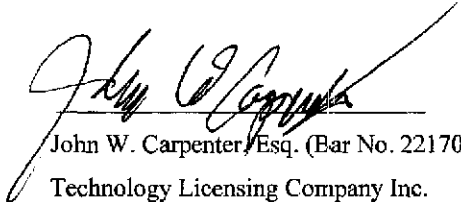
28 (k) For such other and further relief which should appear just and equitable to this Court.

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DEMAND FOR JURY TRIAL

In accordance with Civil Local Rule No. 3-6, Plaintiff requests for a trial by jury.

Respectfully submitted,



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